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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 2011-752

13 **MAUREEN PRESLEY DOLAN, AKA**  
14 **MAUREEN PRESLEY SHAW**  
1436 Western Ave  
Glendale, CA 91201  
15 Registered Nurse License No. 216090

**FIRST AMENDED ACCUSATION**

16 Respondent.

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18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about July 31, 1971, the Board of Registered Nursing issued Registered Nurse  
23 License Number 216090 to Maureen Presley Dolan, aka Maureen Presley Shaw ("Respondent").  
24 The Registered Nurse license was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on September 30, 2012, unless renewed.

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## JURISDICTION

3. This First Amended Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct..."

7. Section 2762 of the Code provides, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or

the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license..."

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

9. Section 4022 of the Code provides that:

"'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

#### **DRUG DEFINITIONS**

10. **Oxazepam** - a Schedule IV controlled substance pursuant to Health and Safety Code section 11057 subdivision (d)(23) and a dangerous drug pursuant to Business and Professions Code section 4022. Oxazepam is used to relieve anxiety.

11. **Alprazolam** - a Schedule IV controlled substance pursuant to Health and Safety Code section 11057 subdivision (d)(1) and a dangerous drug pursuant to Business and Professions Code section 4022. Alprazolam is used to relieve anxiety. Xanax is a brand name of alprazolam.

#### **COST RECOVERY**

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Dangerous Use of Drugs)**

13. Respondent is subject to disciplinary action under Code section 2762, subdivision

(b), in that Respondent used controlled substances, to wit, oxazepam and alprazolam, to an extent or in a manner dangerous or injurious to herself, any other person, or the public or to the extent that such use impairs her ability to conduct with safety to the public the practice authorized by her license as follows:

a. On or about November 9, 2009, while employed as a registered nurse at Providence Saint Joseph Medical Center ("PSJMC") in Burbank, California, Respondent left her shift to self medicate with Xanax, and then later returned to work. Upon returning to finish her shift, Respondent appeared shaky, nervous, and very rapid in her speech.

b. On or about November 11, 2009, PSJMC placed Respondent on paid administrative leave.

c. On or about April 2, 2010, Respondent returned to work at PSJMC on a full time basis.

d. On or about August 23, 2010, Respondent provided a urine sample that tested positive for oxazepam.

e. On or about October 7, 2010, Respondent provided a urine sample that tested positive for oxazepam.

f. Respondent acknowledges that she is addicted to prescription drugs.

## **SECOND CAUSE FOR DISCIPLINE**

### **(Unlawful Administration of a Controlled Substance)**

14. Respondent is subject to disciplinary action under Code section 2762, subdivision (a), in that Respondent unlawfully administered to herself a controlled substance, to wit, oxazepam. The conduct is more particularly described in paragraph 13, subparagraphs (d) and (e), inclusive, above, and herein incorporated by reference.

## **THIRD CAUSE FOR DISCIPLINE**

### **(Unprofessional Conduct)**

15. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), for unprofessional conduct. The unprofessional conduct is more particularly described in paragraph 13, subparagraphs (a) through (f), inclusive, above, and herein incorporated by

reference.

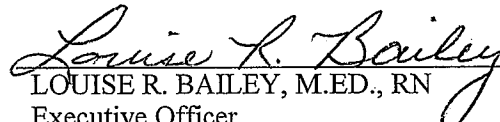
**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse Number 216090, issued to Maureen Presley Dolan, aka Maureen Presley Shaw;
2. Ordering Maureen Presley Dolan, aka Maureen Presley Shaw to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

3/24/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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